

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

No. 18-CR-928 MV

ROBERT HAACK,

Defendant.

MEMORANDUM OPINION AND ORDER

THIS MATTER is before the Court sua sponte. Mr. Haack was first indicted on March 28, 2019. Doc. 1. A Superseding Indictment was filed in this case on April 9, 2019. Doc. 25. On October 19, 2021, Mr. Haack pled guilty to Counts 2, 7, and 8 of the eight-count Superseding Indictment and entered into a Rule 11(c)(1)(C) agreement with the government. Docs. 71, 72. As part of his plea agreement, Mr. Haack represented that he “understands [his] obligation to provide the United States Pretrial Services and Probation Office with truthful, accurate, and complete information.” Doc. 72 at 7. He further agreed that he “had complied with and will continue to comply with this obligation.” *Id.* Financial information was particularly important in this case because Mr. Haack plead to financial crimes and agreed, as part of his plea, to pay restitution. *See id.* at 9.

As part of the presentence investigation, the United States Probation Officer scheduled an interview and requested financial documents. After several delays, Probation was able to conduct an interview with Mr. Haack on January 26, 2022. However, despite at least six follow-up requests for financial documents, none of Mr. Haack’s financial documentation had been received by

August 4, 2022, more than a year and a half later, when Probation disclosed their initial presentence report. Doc. 81 ¶11. After the filing of the presentence report, Mr. Haack did submit some financial documents, which were included in an Addendum to the Presentence Report filed on August 11, 2023. Doc. 91 at 1-3. Even then, however, Mr. Haack did not provide his tax returns. *Id.* at 3. On August 17, 2023, this Court rejected the Rule 11(c)(1)(C) plea agreement, largely based on Mr. Haack's failure to cooperate with Probation's financial investigation. Doc. 93. Subsequently, Mr. Haack withdrew his guilty plea. Doc. 94.

After multiple continuances due to concerns regarding Mr. Haack's health, he proceeded to trial on January 21, 2025. Doc. 224. On January 24, 2025, the jury found Mr. Haack guilty on Counts 1, 2, 3, 4, 7, and 8 of the Superseding Indictment. Doc. 229. At that time, the Court ordered an updated presentence report and ordered Mr. Haack to remain on the same conditions of release pending sentencing.

Over the past three months, Probation has made several requests via defense counsel for financial information so as to update the presentence report. Doc. 237 at 2. On February 5, 2025, defense counsel indicated that there was no need for an additional interview to take place for the update to the presentence report, but asked that the medical information be updated, as well as any other information Mr. Haack wanted updated. *Id.* at 2. No response was received from Mr. Haack. *Id.* On March 3, 2025, Probation sent another email asking for additional information for the presentence report. *Id.* Defense counsel then asked the Court for a continuance because he expected to receive medical documentation by the end of March 2025. *Id.* On March 20, 2025, the Court granted a continuance, but the Court set a deadline of mid-April 2025 for an updated presentence report with complete financial information, while allowing medical information to be included in later addendums. *Id.*

On March 31, 2025, Probation again requested financial documentation from defense counsel. *Id.* On April 1, 2025, defense counsel responded to Probation and said that Mr. Haack was concerned about getting his financial information correct and for that reason was delayed in providing the information. *Id.* Defense counsel also indicated that his staff was pulling a commercial asset report to assist Mr. Haack in his financial reporting. *Id.* Defense counsel said he hoped to provide the complete information to Probation by April 11, 2025. *Id.*

On April 3, 2025, Probation contacted defense counsel and specifically requested that copies of bank statements, tax records, mortgage statements, property records, monthly bills, automobile loans, and credit card bills be included in the financial information Mr. Haack was preparing. *Id.* On April 4, 2025, defense counsel responded saying that all financial documents would be provided as they were acquired. *Id.* Defense counsel also provided to Probation an updated Release of Information form signed by Mr. Haack. *Id.*

On April 8, 2025, Probation again reached out to defense counsel for information. *Id.* That same day, defense counsel responded that he did not have any additional information to provide. *Id.* Defense counsel reported that he was working with third parties to provide some financial information. *Id.* Defense counsel had also reached out to Mr. Haack's daughter for information, which he then forwarded to Probation. *Id.* To this date, despite defense counsel's diligent responses, Probation has not received the requested financial information from Mr. Haack. *Id.* at 3.

The Court orders Mr. Haack to fulfill all of Probation's requests for financial information by the end of the day on April 25, 2025. If Mr. Haack fails to do so, he may be subject to sanctions.

IT IS THEREFORE ORDERED THAT Mr. Haack provide all of the information requested to Probation by April 25, 2025.

ENTERED this 16th day of April 2025.

A handwritten signature in black ink, appearing to read 'Martha Vazquez', is written over a horizontal line.

MARTHA VAZQUEZ
SENIOR UNITED STATES DISTRICT JUDGE